

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) 2:11-CR-009-PMP-(PAL)
)
DASTAGIR KHOSRAW,)
)
Defendant.)

FINAL ORDER OF FORFEITURE

On February 16, 2011, the Grand Jury returned a Nine-Count Superseding Criminal Indictment, charging DASTAGIR KHOSRAW in Count One with Conspiracy to Commit Wire Fraud and Mail Fraud in violation of Title 18, United States Code, Sections 1341, 1343, and 1349; in Counts Two through Five with Wire Fraud in violation of Title 18, United States Code, Section 1343; in Counts Six and Seven with Mail Fraud in violation of Title 18, United States Code, Section 1341; in Count Eight with Witness Tampering in violation of Title 18, United States Code, Section 1512(b)(3); in Count Nine with Attempt to Murder a Witness in violation of Title 18, United States Code, Section 1512 (a)(1)(C); and alleged forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c); Title 18, United States Code, Section 982(a)(2)(A); and Title 21, United States Code, Section 853(p). Superseding Criminal Indictment, ECF No. 16.

On December 6, 2011, DASTAGIR KHOSRAW pled guilty to Count One of the Superseding Criminal Indictment (ECF No. 16). Plea Memorandum, ECF No. 40; Change of Plea Minutes, ECF No. 39. On December 6, 2011, the United States District Court for the District of Nevada entered an

1 Order of Forfeiture (ECF No. 41) against DASTAGIR KHOSRAW, issuing a criminal forfeiture
2 money judgment of \$317,231 in United States Currency pursuant to Fed. R. Crim. P. 32.2(b)(1) and
3 (2); Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section
4 2461(c); Title 18, United States Code, Section 982(a)(2)(A); and Title 21, United States Code, Section
5 853(p) based upon the plea of guilty by defendant DASTAGIR KHOSRAW to the criminal offenses.
6 Superseding Criminal Indictment, ECF No. 16; Plea Memorandum, ECF No. 40; Change of Plea
7 Minutes, ECF No. 39.

8 On February 27, 2012, the United States District Court for the District of Nevada sentenced
9 DASTAGIR KHOSRAW, but did not order forfeiture. Sentencing Minutes, ECF No. 44. On the same
10 date, this Court entered the Judgment in a Criminal Case (ECF No. 45).

11 After the appeal, on September 19, 2012, the United States filed its Motion for the District
12 Court to Enter the Order of Forfeiture as to Defendant Dastagir Khosraw (ECF No. 63). On October
13 9, 2012, the Order of Forfeiture (ECF No. 67) was entered with a criminal forfeiture money judgment
14 of \$317,231 in United States Currency pursuant to Fed. R. Crim. P. 32.2(b)(4)(A) and (B); Title 18,
15 United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c); Title 18,
16 United States Code, Section 982(a)(2)(A); and Title 21, United States Code, Section 853(p).

17 On October 10, 2012, the United States District Court for the District of Nevada entered the
18 Amended Judgment in a Criminal Case on Dastagir Khosraw with the Order of Forfeiture (ECF No.
19 67) attached. Amended Judgment in a Criminal Case, ECF No. 68.

20 On October 9, 2014, the United States filed its Motion to Substitute and to Forfeit Property of
21 Dastagir Khosraw (ECF No. 71) to be used towards satisfaction of Khosraw's criminal forfeiture money
22 judgment. On October 14, 2014, the United States District Court for the District of Nevada entered the
23 Substitution and Forfeiture Order (ECF No. 72) authorizing the substitution and forfeiture of the following
24 property pursuant to Title 21, United States Code, Section 853(p):

- 25 1. \$85,200 in United States Currency;
- 26 2. \$4,100 in United States Currency;

1 3. \$4,900 in United States Currency;

2 4. \$23,000 in American Express Traveler's Checks (230 travelers checks x \$100); and

3 5. \$540 in United States Currency

4 (all of which constitutes "property").

5 On October 23, 2014, the Federal Bureau of Investigation seized, arrested, and took into custody
6 the substitute property. Notice of Filing Service of Process, ECF No. 73.

7 On October 23, 2014, Brenda Weksler, counsel for Dastagir Khosraw, Office of the Federal
8 Public Defender, 411 E. Bonneville Ave., Las Vegas, Nevada 89101 was personally served with the
9 United States of America's Motion to Substitute and to Forfeit Property of Dastagir Khosraw, the
10 Substitution and Forfeiture Order, and the Notice. Notice of Filing Service of Process - Personal
11 Service of Substitution and Forfeiture Order, ECF No. 74, p. 2-26.

12 On October 23, 2014, Victoria Stringer, 5125 Costa Bella Lane, Las Vegas, Nevada 89130 was
13 personally served with the United States of America's Motion to Substitute and to Forfeit Property of
14 Dastagir Khosraw, the Substitution and Forfeiture Order, and the Notice. Notice of Filing Service of
15 Process - Personal Service of Substitution and Forfeiture Order, ECF No. 74, p. 27-51.

16 On October 23, 2014, Dastagir Khosraw, 645 8th Ave., #1, San Francisco, California 94118,
17 was served by regular and certified return receipt mail with the United States of America's Motion to
18 Substitute and to Forfeit Property of Dastagir Khosraw, the Substitution and Forfeiture Order, and the
19 Notice. Notice of Filing Service of Process - Certified Mail and Regular Mail Completed by the
20 United States Attorney's Office, ECF No. 76.

21 On October 23, 2014, Walter Jackson, 14501 George Carter Way, Chantilly, Virginia 20151,
22 was served by regular and certified return receipt mail with the United States of America's Motion to
23 Substitute and to Forfeit Property of Dastagir Khosraw, the Substitution and Forfeiture Order, and the
24 Notice. Notice of Filing Service of Process - Certified Mail and Regular Mail Completed by the
25 United States Attorney's Office, ECF No. 76.

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1 On October 23, 2014, Master Financial, Inc., 505 City Pkwy W., Ste. 800, Orange, California
2 92868, was served by regular and certified return receipt mail with the United States of America's
3 Motion to Substitute and to Forfeit Property of Dastagir Khosraw, the Substitution and Forfeiture
4 Order, and the Notice. Both mailings were returned to sender because the company no longer exists.
5 Notice of Filing Service of Process - Certified Mail and Regular Mail Completed by the United States
6 Attorney's Office, ECF No. 76.

7 On October 23, 2014, The Mortgage Outlet, 771 Juniper St. NE 0151, Atlanta, Georgia 30308,
8 was served by regular and certified return receipt mail with the United States of America's Motion to
9 Substitute and to Forfeit Property of Dastagir Khosraw, the Substitution and Forfeiture Order, and the
10 Notice. Notice of Filing Service of Process - Certified Mail and Regular Mail Completed by the
11 United States Attorney's Office, ECF No. 76.

12 On October 23, 2014, The Mortgage Outlet, Inc., 1800 Sandy Plains Pkwy., Ste. 306, Marietta,
13 Georgia 30066, was served by regular and certified return receipt mail with the United States of
14 America's Motion to Substitute and to Forfeit Property of Dastagir Khosraw, the Substitution and
15 Forfeiture Order, and the Notice. On October 28, 2014, The Mortgage Outlet, Inc. contacted the
16 United States Attorney's Office to advise they received service, are not licensed in Nevada, and have
17 no knowledge of this case. Notice of Filing Service of Process - Certified Mail and Regular Mail
18 Completed by the United States Attorney's Office, ECF No. 76.

19 On October 23, 2014, C T Corporation System, Registered Agent for The Mortgage Outlet,
20 Inc., 1201 Peachtree Street NE, Atlanta, Georgia 30361, was served by regular and certified return
21 receipt mail with the United States of America's Motion to Substitute and to Forfeit Property of
22 Dastagir Khosraw, the Substitution and Forfeiture Order, and the Notice. Notice of Filing Service of
23 Process - Certified Mail and Regular Mail Completed by the United States Attorney's Office, ECF No.
24 76.

25 On October 23, 2014, Frank M. Losito, CEO of The Mortgage Outlet, Inc., 141 Myrtle Drive,
26 Woodstock, Georgia 30189, was served by regular and certified return receipt mail with the United

1 States of America's Motion to Substitute and to Forfeit Property of Dastagir Khosraw, the Substitution
2 and Forfeiture Order, and the Notice. Notice of Filing Service of Process - Certified Mail and Regular
3 Mail Completed by the United States Attorney's Office, ECF No. 76.

4 On October 23, 2014, Nationstar Mortgage LLC, and Harold Lewis, President of Nationstar
5 Mortgage LLC, 350 Highland Drive, Lewisville, Texas 75067, was served by regular and certified
6 return receipt mail with the United States of America's Motion to Substitute and to Forfeit Property of
7 Dastagir Khosraw, the Substitution and Forfeiture Order, and the Notice. Notice of Filing Service of
8 Process - Certified Mail and Regular Mail Completed by the United States Attorney's Office, ECF No.
9 76.

10 On October 23, 2014, Corporation Service Company, Registered Agent for Nationstar
11 Mortgage LLC, 211 E. 7th Street, Ste. 620, Austin, Texas 78701, was served by regular and certified
12 return receipt mail with the United States of America's Motion to Substitute and to Forfeit Property of
13 Dastagir Khosraw, the Substitution and Forfeiture Order, and the Notice. Notice of Filing Service of
14 Process - Certified Mail and Regular Mail Completed by the United States Attorney's Office, ECF No.
15 76.

16 On October 23, 2014, Wilmington Finance, Inc., 501 Office Center Dr., #400, Fort
17 Washington, Pennsylvania 19034, was served by regular and certified return receipt mail with the
18 United States of America's Motion to Substitute and to Forfeit Property of Dastagir Khosraw, the
19 Substitution and Forfeiture Order, and the Notice. Both mailings were returned to sender because they
20 were not deliverable as addressed, however, the President and Registered Agent of the company were
21 served. Notice of Filing Service of Process - Certified Mail and Regular Mail Completed by the United
22 States Attorney's Office, ECF No. 76.

23 On October 23, 2014, George Roach, President of Wilmington Finance, Inc., 6CIL NW Second
24 Street, Evansville, Indiana 47708, was served by regular and certified return receipt mail with the
25 United States of America's Motion to Substitute and to Forfeit Property of Dastagir Khosraw, the

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1 Substitution and Forfeiture Order, and the Notice. Notice of Filing Service of Process - Certified Mail
2 and Regular Mail Completed by the United States Attorney's Office, ECF No. 76.

3 On October 23, 2014, C T Corporation System, Registered Agent for Wilmington Finance,
4 Inc., 116 Pine Street, Ste. 320, Harrisburg, Pennsylvania 17101, was served by regular and certified
5 return receipt mail with the United States of America's Motion to Substitute and to Forfeit Property of
6 Dastagir Khosraw, the Substitution and Forfeiture Order, and the Notice. Notice of Filing Service of
7 Process - Certified Mail and Regular Mail Completed by the United States Attorney's Office, ECF No.
8 76.

9 This Court finds the United States of America published the notice of forfeiture in accordance
10 with the law via the official government internet forfeiture site, www.forfeiture.gov, consecutively
11 from October 22, 2014, through November 20, 2014, notifying all potential third parties of their right
12 to petition the Court. Notice of Filing Proof of Publication, ECF No. 75.

13 This Court finds no petition was filed herein by or on behalf of any person or entity and the
14 time for filing such petitions and claims has expired.

15 This Court finds no petitions are pending with regard to the assets named herein and the time
16 for presenting such petitions has expired.

17 THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that all right,
18 title, and interest in the property hereinafter described is condemned, forfeited, and vested in the
19 United States of America pursuant to Fed. R. Crim. P. 32.2(b)(4)(A) and (B); Fed. R. Crim. P.
20 32.2(c)(2); Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code,
21 Section 2461(c); Title 18, United States Code, Section 982(a)(2)(A); and Title 21, United States Code,
22 Section 853(n)(7) and (p) and shall be disposed of according to law:

- 23 1. \$85,200 in United States Currency;
- 24 2. \$4,100 in United States Currency;
- 25 3. \$4,900 in United States Currency;

26 . . .

1 4. \$23,000 in American Express Traveler's Checks (230 travelers checks x \$100); and

2 5. \$540 in United States Currency

3 which will be applied towards the criminal forfeiture money judgment of \$317,231 in United States
4 Currency.

5 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any and all forfeited funds,
6 including but not limited to, currency, currency equivalents, certificates of deposit, as well as any
7 income derived as a result of the United States of America's management of any property forfeited
8 herein, and the proceeds from the sale of any forfeited property shall be disposed of according to law.

9 The Clerk is hereby directed to send copies of this Order to all counsel of record and three
10 certified copies to the United States Attorney's Office.

11 DATED this 23rd day of December, 2014.

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14 UNITED STATES DISTRICT JUDGE